

Revised 8/13/04

[x (5) The presence of a tributary to a water identified in (1) - (4) above.

☐ (6) The presence of territorial seas.

☐ (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). *If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination.* **Russian Gulch Creek is a tributary to the Pacific Ocean and is an other water of the U.S. with a defined bed and bank (i.e. ordinary high water mark).**

Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)

- | | |
|--|--|
| <input checked="" type="checkbox"/> Ordinary High Water Mark indicated by: | <input type="checkbox"/> High Tide Line indicated by: |
| <input checked="" type="checkbox"/> clear, natural line impressed on the bank | <input type="checkbox"/> oil or scum line along shore objects |
| <input type="checkbox"/> the presence of litter and debris | <input type="checkbox"/> fine shell or debris deposits (foreshore) |
| <input type="checkbox"/> changes in the character of soil | <input type="checkbox"/> physical markings/characteristics |
| <input checked="" type="checkbox"/> destruction of terrestrial vegetation | <input type="checkbox"/> tidal gages |
| <input checked="" type="checkbox"/> shelving | <input type="checkbox"/> other: |
| <input checked="" type="checkbox"/> other: direct observation of high flows by applicant and Corps | |

☐ Mean High Water Mark indicated by:

☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.

☐ Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:

Basis For Not Asserting Jurisdiction:

☐ The reviewed area consists entirely of uplands.

☐ Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).

☐ Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).

☐ The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:

☐ Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.

☐ Artificially irrigated areas, which would revert to upland if the irrigation ceased.

☐ Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.

☐ Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.

☐ Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).

☐ Isolated, intrastate wetland with no nexus to interstate commerce.

☐ Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:

☐ Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:

☒ Other (explain): Russian Gulch is jurisdictional but the proposed bridge is above OHW and no fill would be placed below OHW.

DATA REVIEWED FOR JURISDICTIONAL DETERMINATION (mark all that apply):

☒ Maps, plans, plots or plat submitted by or on behalf of the applicant.

☐ Data sheets prepared/submitted by or on behalf of the applicant.

☐ This office concurs with the delineation report, dated , prepared by (company):

☐ This office does not concur with the delineation report, dated , prepared by (company):

☐ Data sheets prepared by the Corps.

☐ Corps' navigable waters' studies:

☐ U.S. Geological Survey Hydrologic Atlas:

☐ U.S. Geological Survey 7.5 Minute Topographic maps:

☐ U.S. Geological Survey 7.5 Minute Historic quadrangles:

- ☐ U.S. Geological Survey 15 Minute Historic quadrangles:
- ☐ USDA Natural Resources Conservation Service Soil Survey:
- ☐ National wetlands inventory maps:
- ☐ State/Local wetland inventory maps:
- ☐ FEMA/FIRM maps (Map Name & Date):
- ☐ 100-year Floodplain Elevation is: (NGVD)
- ☐ Aerial Photographs (Name & Date):
- ☒ Other photographs (Date): 1/20/05
- ☐ Advanced Identification Wetland maps:
- ☒ Site visit/determination conducted on:
- ☐ Applicable/supporting case law: 1/20/05
- ☐ Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.